

Remarks

The Office Action mailed December 20, 2002 has been received and reviewed. Claims 1 through 12, 14, 15 and 17 through 22 are pending. Claims 1 through 8, 10 through 12 and 17 through 22 are indicated as allowable. Claims 9, 14 and 15 are rejected. New claims 23 through 26 are presented herein. The claims are to be amended as recited herein. All claim amendments are made without prejudice or disclaimer. Reconsideration is respectfully requested.

Interview

Applicant notes with appreciation the courtesy extended to representative Jennifer Quinn in early January 2003. The amendments herein reflect the discussion with the Examiner regarding the status of the application.

35 U.S.C. §112, second paragraph

Claims 9, 14 and 15 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicant has amended the claims, and in view thereof requests that the rejection be withdrawn.

Specifically, claim 9 was rejected as lacking antecedent basis for the claim element "said comparing". Applicant has amended claim 9 herein to provide appropriate antecedent basis. Reconsideration and withdrawal of the rejection is requested.

Claims 14 and 15 were rejected as indefinite for depending from a canceled claim. Applicant has amended claims 14 and 15 to depend from pending claim 23. Reconsideration and withdrawal of the rejection is requested.

New claims

New claims 23 to 26 are presented herein. Applicant submits that no new matter is added. Independent claims 23 and 24 are directed to a primer specific and mispair extension assay for determining genotype. These claims each specify a given circumstance for extension product determination, similar to claims 1 and 20 as previously deemed in a form for allowance by the Examiner. Applicant submits that the format of claims 23 and 24 closely follow that of claims 1 and 20 while further including additional steps for the

assay. Furthermore, these claims do not include terminology previously deemed indefinite by the Examiner. New claims 25 and 26 depend from new claim 24 and mirror the subject matter of claims 14 and 15.

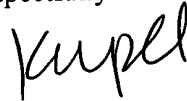
Drawings

Figures 1-4 were objected to by the Draftsperson. Specifically, Figure 4 was objected to because the lines were allegedly non-uniform. Additionally, Figures 1-4 were objected to because the numbers and reference characters were not plain and legible. Applicant submits herewith clearer copies of Figures 1-4 and requests acceptance thereof.

Conclusion

In view the amendments and remarks above, applicant respectfully submits that the claims define patentable subject matter. If questions should remain after consideration of the foregoing, the Examiner is kindly requested to contact applicant's attorney at the address or telephone number given herein.

Respectfully submitted,



Krista Weber Powell
Registration No. 47, 867
Attorney for Applicants
TRASK BRITT, PC
P. O. Box 2550
Salt Lake City, Utah 84110
Telephone: (801) 532-1922

Date: March 19, 2003